

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ATTICUS LIMITED LIABILITY COMPANY,	:	22cv10147 (DLC)
	:	
Plaintiff,	:	<u>ORDER</u>
and	:	
	:	
AARON SORKIN,	:	
	:	
Involuntary Plaintiff,	:	
	:	
-v-	:	
	:	
THE DRAMATIC PUBLISHING COMPANY,	:	
	:	
Defendant.	:	
	:	
-----X		

DENISE COTE, District Judge:

In an Opinion of April 27, 2023, the Court denied Dramatic's motion to dismiss and granted in part Atticus' cross-motion for summary judgment. The Opinion left open the question of whether the plaintiff's claim is limited by the doctrine of claim preclusion. A conference was held on May 25 to determine whether Dramatic was entitled to discovery and the scope of any such discovery.

The parties submitted a letter on June 16, 2023, regarding the status of fact discovery on the issue of claim preclusion -- specifically concerning privity through "assumed control" exercised by Atticus over the Lee Estate in connection with the Estate's arbitration with Dramatic. The standard governing

privity through control was set forth in the April 27 Opinion and is incorporated by reference.

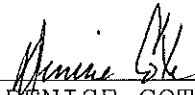
In the June 16 submission, Dramatic identified two possible areas for further discovery, but stated it does not require additional discovery “[i]f the Court does not view full disclosure of Atticus’ role in preparing and advising on the exclusivity briefing sufficient to constitute ‘control’ as a matter of law.” Having reviewed the June 16 submission and its attachments, it is hereby

ORDERED that Atticus has produced the relevant discovery materials sought by Dramatic and the further discovery sought by Dramatic is unnecessary.

IT IS FURTHER ORDERED that Dramatic’s argument -- that Atticus and the Lee Estate are in privity for purposes of claim preclusion because Atticus “assumed control” over the Lee Estate’s arbitration with Dramatic -- is denied. Dramatic has failed to put forth any evidence suggesting that Atticus controlled the Lee Estate’s conduct in the arbitration. Dramatic cannot rely on “unsubstantiated speculation.” Bermudez v. City of New York, 790 F.3d 368, 374 (2d Cir. 2015) (citation omitted). Accordingly, Atticus’ February 6, 2023, cross-motion

for summary judgment is granted in full.

Dated: New York, New York  
July 25, 2023

  
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DENISE COTE  
United States District Judge